

AMENDED IN SENATE AUGUST 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 706**

**Introduced by Assembly Member Torres**  
**(Principal coauthors: Assembly Members Eng, Hagman, and**  
**Roger Hernández)**

*(Principal coauthors: Senators Hernandez and Huff)*

February 17, 2011

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~~An act relating to public safety. An act to amend Sections 132400, 132410, and 132415 of the Public Utilities Code, relating to the Pasadena Metro Blue Line Construction Authority, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 706, as amended, Torres. ~~California Public Safety Telecommunicators Week. Pasadena Metro Blue Line Construction Authority.~~

*Existing law creates the Pasadena Metro Blue Line Construction Authority for purposes relating to the development of a light rail project extending from the City of Los Angeles to the Cities of Pasadena and Claremont. Existing law provides that the authority shall be governed by a board consisting of 5 voting members and one nonvoting member and requires the authority to adopt a code of conduct for officers and board members of the authority that, among other things, specifies circumstances under which a board member shall be deemed to have a financial interest in a decision.*

*This bill would authorize the authority to also use the name Metro Gold Line Foothill Extension Construction Authority. The bill would provide that the board shall consist of 5 voting members and 3 nonvoting*

members, would require the additional 2 nonvoting members to be appointed by the City Councils of the Cities of Pasadena and South Pasadena, as specified, and would require each appointing authority to also appoint an alternate member, as specified. The bill would also specify circumstances under which board members, alternate members, officers, consultants, and employees of the authority shall not be considered financially interested and may participate in decisions and agreements regarding the authority, any appointing authority, and any city adjoining the project right-of-way. The bill would provide that a board member may simultaneously hold specified governmental positions without the holding of those positions constituting an incompatible office or activity, as specified.

Because the bill would impose new duties on local agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Warren-911-Emergency Assistance Act requires every local public agency to establish and operate, or to be a part of, an emergency telephone system using the digits “911,” and creates the State 911 Advisory Board to assist in facilitating the purpose of the act to establish the number 911 as the primary emergency telephone number statewide.~~

~~This bill would designate the second full week of April of each year, commencing in 2012, as California Public Safety Telecommunicators Week for the purpose of heightening citizen awareness of the great importance of 911 service and its role in keeping the public safe. The bill would require the Governor and the Legislature to annually issue proclamations and resolutions, as specified, that draw public attention to the week in order to encourage the private sector and state and local agencies to initiate activities recognizing public safety telecommunicators.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 132400 of the Public Utilities Code is*  
2     *amended to read:*

3     132400. For purposes of this chapter, the following terms have  
4     the following meanings:

5     (a) The “authority” is the Pasadena Metro Blue Line  
6     Construction Authority created under this chapter. *The authority*  
7     *may also use the name Metro Gold Line Foothill Extension*  
8     *Construction Authority.*

9     (b) The “board” is the governing board of the authority.

10    (c) The “commission” is the California Transportation  
11    Commission.

12    (d) The “LACMTA” is the Los Angeles County Metropolitan  
13    Transportation Authority.

14    (e) The “project” is the Los Angeles-Pasadena Metro Blue Line  
15    light rail project extending from Union Station in the City of Los  
16    Angeles to Sierra Madre Villa Boulevard in the City of Pasadena  
17    and any mass transit guideway that may be planned east of Sierra  
18    Madre Villa Boulevard along the rail right-of-way extending to  
19    the City of Claremont.

20    *SEC. 2. Section 132410 of the Public Utilities Code is amended*  
21    *to read:*

22    132410. (a) The authority has all of the powers necessary for  
23    planning, acquiring, leasing, developing, jointly developing,  
24    owning, controlling, using, jointly using, disposing of, designing,  
25    procuring, and building the project, including, but not limited to,  
26    all of the following:

27    (1) Acceptance of grants, fees, and allocations from the state,  
28    local agencies, and private entities.

29    (2) Acquiring, through purchase or through eminent domain  
30    proceedings, any property necessary for, incidental to, or  
31    convenient for, the exercise of the powers of the authority.

32    (3) Incurring indebtedness, secured by pledges of revenue  
33    available for project completion.

34    (4) Contracting with public and private entities for the planning,  
35    design, and construction of the project. These contracts may be  
36    assigned separately or may be combined to include any or all tasks  
37    necessary for completion of the project.

(5) Entering into cooperative or joint development agreements with local governments or private entities. These agreements may be entered into for the purpose of sharing costs, selling or leasing land, air, or development rights, providing for the transferring of passengers, making pooling arrangements, or for any other purpose that is necessary for, incidental to, or convenient for the full exercise of the powers granted the authority. For purposes of this paragraph, “joint development” includes, but is not limited to, an agreement with any person, firm, corporation, association, or organization for the operation of facilities or development of projects adjacent to, or physically or functionally related to, the project.

(6) Relocation of utilities, as necessary for completion of the project.

(b) The duties of the authority include, but are not limited to, all of the following:

(1) Conducting the financial studies and the planning and engineering necessary for completion of the project.

(2) (A) Adoption of an administrative code, not later than 60 days after establishment of the authority, for administration of the authority in accordance with any applicable laws, including, but not limited to, the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), contracting and procurement laws, laws relating to contracting goals for minority and women business participation, and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(B) (i) The administrative code adopted under subparagraph (A) shall include a code of conduct for employees and board members that is consistent with Sections 84308 and 87103 of the Government Code and prohibits board members and staff from accepting gifts valued at ten dollars (\$10) or more from contractors, potential contractors, or their subcontractors.

(ii) The code shall require the disclosure, on the record, of the proceedings by the officer of the agency who receives a contribution within the preceding 24 months in an amount of more than two hundred fifty dollars (\$250) from a party or participant to a proceeding, and the disclosure by the party or participant.

(iii) The code shall provide that no officer of the agency shall make, participate in making, or in any way attempt to use his or

1 her official position to influence the decision in a proceeding, as  
2 described in Section 84308 of the Government Code, if the officer  
3 has willfully or knowingly received a contribution in the amount  
4 of more than two hundred fifty dollars (\$250) within the preceding  
5 24 months from a party or his or her agent, or from any participant  
6 or his or her agent if the participant has a financial interest in the  
7 decision.

8 (iv) Any officer deemed ineligible to participate in a proceeding  
9 due to the provisions of this code of conduct may be replaced for  
10 the purposes of that proceeding by an appointee chosen by the  
11 appropriate appointing authority.

12 (v) Under the code of conduct, board members shall be deemed  
13 to have a financial interest in a decision within the meaning of  
14 Section 87100 of the Government Code if the decision involves  
15 the donor of, or intermediary or agent for a donor of, a gift or gifts  
16 aggregating ten dollars (\$10) or more in value within the 12 months  
17 prior to the time the decision was made.

18 (vi) *Board members, alternate members, officers, consultants,*  
19 *and employees shall not be considered financially interested solely*  
20 *by virtue of their holding office with or being employed by the*  
21 *authority and, concurrently, holding office with or being employed*  
22 *by an entity set forth in subdivision (a) of Section 132415, a city*  
23 *adjoining the project right-of-way, or both such an entity and such*  
24 *a city, and they may participate in decisions and agreements*  
25 *regarding the authority, any of the entities set forth in subdivision*  
26 *(a) of Section 132415, and any of the cities adjoining the project*  
27 *right-of-way. The participation described in this clause shall not*  
28 *constitute a conflict of interest under or for the purposes of Section*  
29 *1090 of the Government Code, or an incompatible employment,*  
30 *activity, or enterprise under or for the purposes of Section 1126*  
31 *of the Government Code.*

32 (c) The authority shall make reasonable progress, as determined  
33 by the commission, in the design and construction of the project  
34 within the timetable imposed under the 1998 State Transportation  
35 Improvement Program.

36 *SEC. 3. Section 132415 of the Public Utilities Code is amended*  
37 *to read:*

38 132415. (a) The authority shall be governed by a board  
39 consisting of five voting members and ~~one~~ *three* nonvoting ~~member~~  
40 *members* who shall be appointed as follows:

1 (1) Three members shall be appointed by the City Councils of  
2 the Cities of Los Angeles, Pasadena, and South Pasadena, with  
3 each city council appointing one member by a majority vote of  
4 the membership of that city council.

5 (2) One member shall be appointed by the President of the  
6 Governing Board of the San Gabriel Valley Council of  
7 Governments, subject to confirmation by that board.

8 (3) One member shall be appointed by the LACMTA.

9 (4) ~~The~~One nonvoting member shall be appointed by the  
10 Governor.

11 (5) *Two nonvoting members shall be appointed by the City*  
12 *Councils of the Cities of Pasadena and South Pasadena, with each*  
13 *city appointing one nonvoting member.*

14 (b) All members shall serve a term of not more than four years,  
15 with no limit on the number of terms that may be served by any  
16 person.

17 (c) *Each appointing authority shall also appoint an alternate*  
18 *member to serve in a member's absence.* If the position of a voting  
19 member becomes vacant, ~~an the alternate voting member may be~~  
20 ~~appointed by a majority vote of the board to~~ shall serve until the  
21 position is filled as required ~~under~~ pursuant to subdivision (a).

22 (d) Members of the board are subject to the Political Reform  
23 Act of 1974 (Title 9 (commencing with Section 81000) of the  
24 Government Code).

25 (e) Three members of the board shall constitute a quorum.

26 (f) The board shall elect a chairperson and vice chairperson  
27 from among the membership of the board.

28 (g) Each member of the board may be compensated at a rate of  
29 not more than one hundred fifty dollars (\$150) per day spent  
30 attending to the business of the authority. Compensation, if paid,  
31 shall not exceed six hundred dollars (\$600) per month, plus  
32 expenses directly related to the performance of duties imposed by  
33 the authority, including, but not limited to, travel and personal  
34 expenses.

35 (h) *Members appointed to the board may include members or*  
36 *employees of the entities set forth in subdivision (a), and members*  
37 *or employees of the cities adjoining the project right-of-way. The*  
38 *simultaneous membership described in this subdivision shall not*  
39 *constitute a violation of Section 1099 or 1126 of the Government*  
40 *Code.*

1     *SEC. 4. The provisions set forth in Section 2 and in subdivision*  
2 *(h) of Section 132415 of the Public Utilities Code as set forth in*  
3 *Section 3 of this act are declaratory of existing law as they pertain*  
4 *to conflicts of interest, incompatible offices, or incompatible*  
5 *activities, and the ability of board members, alternate members,*  
6 *officers, and employees to participate in decisions and agreements*  
7 *regarding the Pasadena Metro Blue Line Construction Authority,*  
8 *any of the entities set forth in subdivision (a) of Section 132415*  
9 *of the Public Utilities Code, and any of the cities adjoining the*  
10 *project right-of-way.*

11     *SEC. 5. If the Commission on State Mandates determines that*  
12 *this act contains costs mandated by the state, reimbursement to*  
13 *local agencies and school districts for those costs shall be made*  
14 *pursuant to Part 7 (commencing with Section 17500) of Division*  
15 *4 of Title 2 of the Government Code.*

16     *SEC. 6. This act is an urgency statute necessary for the*  
17 *immediate preservation of the public peace, health, or safety within*  
18 *the meaning of Article IV of the Constitution and shall go into*  
19 *immediate effect. The facts constituting the necessity are:*

20     *In order to avoid delays in the construction of the Metro Gold*  
21 *Line Foothill Extension Construction Authority Phase 2A project,*  
22 *it is necessary for this act to take effect immediately.*

23     ~~SECTION 1. The Legislature finds and declares all of the~~  
24 ~~following:~~

25     ~~(a) Over one-half million dedicated men and women are engaged~~  
26 ~~in the operation of emergency response systems for federal, state,~~  
27 ~~and local governmental entities throughout the United States,~~  
28 ~~including an estimated 55,000 dedicated men and women in~~  
29 ~~California.~~

30     ~~(b) These individuals are responsible for responding to the~~  
31 ~~telephone calls of the general public for police, fire, and emergency~~  
32 ~~medical assistance, and for dispatching this critical assistance~~  
33 ~~necessary to help save the lives and property of our citizens.~~

34     ~~(c) Public safety telecommunicators are the first point of contact~~  
35 ~~for most interactions between members of the public and the public~~  
36 ~~safety systems that keep Californians safe, and the public expects~~  
37 ~~and receives extraordinarily dedicated service from these~~  
38 ~~individuals.~~

1     ~~(d) America's public safety telecommunicators serve the public~~  
2     ~~in countless ways each day, often without recognition by the~~  
3     ~~beneficiaries of their services.~~

4     ~~(e) Congress has designated the second full week of April of~~  
5     ~~each year as National Public Safety Telecommunicators Week,~~  
6     ~~and it is appropriate for California to conform to this practice.~~

7     ~~SEC. 2. The second full week in April of each year,~~  
8     ~~commencing in 2012, is hereby designated as California Public~~  
9     ~~Safety Telecommunicators Week. The purpose of California Public~~  
10    ~~Safety Telecommunicators Week shall be to heighten citizen~~  
11    ~~awareness of the great importance of 911 service and its role in~~  
12    ~~keeping the public safe. The Governor and the Legislature shall~~  
13    ~~annually issue proclamations and resolutions, respectively, as~~  
14    ~~deemed appropriate, that draw public attention to the week in order~~  
15    ~~to encourage the private sector and state and local agencies to~~  
16    ~~initiate activities recognizing public safety telecommunicators.~~